3. REGULATIONS

A. Electrical Installation Standard (OSHA)

On April 5, 2004, (69 FR 17773-17842), the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, issued a proposed rule (29 CFR part 1910, subpart S) that would revise the general industry electrical installation standard. OSHA has determined that electrical hazards in the workplace pose a significant risk of injury or death to employees, and that the requirements in this proposed revised standard, which draw heavily from the 2000 edition of the National Fire Protection Association's Electrical Safety Requirements for Employee Workplaces (NFPA 70E) and from the 2002 edition of the National Electrical Code (NEC), are reasonably necessary to provide protection from these hazards. This proposed rule focuses on safety in the design and installation of electric equipment in the workplace. This revision will provide the first update of the installation requirements in the general industry electrical installation requirements since 1981.

For further information, contact Ms. Belinda Cannon, Directorate of Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, telephone: (202) 693-2083, or refer to the OSHA Internet Web Page: http://www.osha.gov.

B. Highly Migratory Species Fisheries (NMFS/NOAA)

On April 7, 2004, (69 FR 18443-18462), the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, published a final rule (50 CFR parts 223, 224, and 660) to implement the approved portions of the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species. The intended effect of this final rule is to establish federal management of U.S. fisheries for Pacific tunas, sharks, billfish, swordfish, and other highly migratory fish in the surface hook and line, drift gillnet, harpoon, pelagic longline, purse seine, and recreational fisheries in the U.S. exclusive economic zone off the coasts of Washington, Oregon, and California and (for U.S. vessels) in adjacent high seas waters. This final rule will prevent overfishing of the fish stocks to the extent practicable and achieve optimum yield for the U.S. fisheries involved, while minimizing bycatch and protected species interactions consistent with the Magnuson-Stevens Fishery Conservation and Management Act and other applicable law. This final rule implements consistent management of these fisheries and will promote the long-term economic health of the fisheries.

For further information, contact Mr. Svein Fougner, Sustainable Fisheries Division, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802, telephone: (562) 980-4040.

C. Right Whale Ship Strike Reduction (NMFS/NOAA)

On June 1, 2004, (69 FR 30857-30864), the National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, issued an advance notice of proposed rulemaking (50 CFR part 224) indicating that NMFS is considering regulations to implement a strategy to reduce mortalities to North Atlantic right whales as a result of vessel collisions. The strategy addresses the lack of recovery of the endangered North Atlantic right whale by reducing the likelihood and threat of ship strike mortalities to the species. Ship strikes are responsible for over 50 percent of known human-related right whale mortalities and are believed to be one of the principal causes for the lack of recovery in this population. NMFS is soliciting comments on the strategy.

The draft Strategy to Reduce Ship Strikes of Right Whales consists of the following five elements: (1) the establishment of new operational measures for the shipping industry, including consideration of routing and speed restrictions; (2) the negotiation of a Right Whale Conservation Agreement with the Government of Canada; (3) the development and implementation of education and outreach programs; (4) a review of the need for Endangered Species Act section 7 consultations with all federal agencies who operate or authorize the use of vessels in waters inhabited by right whales, or whose actions directly or indirectly affect vessel traffic; and (5) the continuation of ongoing research, conservation, and education/outreach activities.

For further information, contact Ms. Aleria Jensen, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, telephone: (301) 713-2322, electronic mail: aleria.jensen@noaa.gov.

D. Fire-Suppression Systems and Voyage Planning (CG)

On June 18, 2004, (69 FR 34064-34072), the Coast Guard (CG), U.S. Department of Homeland Security, issued a final rule (33 CFR part 164 and 46 CFR parts 25 and 27) that adopts, with changes, the interim rule published on April 29, 2003, which required the installation of fire-suppression systems in the engine rooms of towing vessels and development of a plan for the trip or voyage. This rule aims at reducing the number of uncontrolled engine-room fires and other mishaps on towing vessels. It should save lives, reduce property damage, and reduce the associated threats to maritime commerce and the environment.

In this final rule, the Coast Guard accepts manual fire-fighting equipment and measures as an alternative to fixed fire-suppression systems on all towing vessels operating exclusively on inland waters. However, the Coast Guard still requires the installation of fixed fire-suppression systems in the engine rooms of new ocean or coastal service towing vessels whose construction is contracted for on or after August 27, 2003. The applicability of the voyage-planning requirement has been narrowed, so that it does not apply to towing vessels operating exclusively on inland waters.

For further information, contact Mr. Randall Eberly, Lifesaving and Fire Safety Division, Office of Design and Engineering Standards (G-MSE), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, telephone: (202) 267-1861, electronic mail: reberly@comdt.uscg.mil.

E. Air Pollution from Nonroad Diesel Engines and Fuel (EPA)

On June 29, 2004, (69 FR 38957-39273), the U.S. Environmental Protection Agency (EPA) issued a final rule (40 CFR parts 9, 69, 80, 89, 94, 1039, 1048, 1051, 1065, and 1068) that adopts new emission standards for nonroad diesel engines and sulfur reductions in nonroad diesel fuel which will dramatically reduce harmful emissions and will directly help states and local areas recently designated as 8-hour ozone nonattainment areas to improve their air quality. This comprehensive national program regulates nonroad diesel engines and diesel fuel as a system. New engine standards will begin to take effect in the 2008 model year, phasing in over a number of years. These standards are based on the use of advanced exhaust emission control devices. EPA estimates particulate matter reductions of 95 percent, nitrogen oxides reductions of 90 percent, and the virtual elimination of sulfur oxides from nonroad engines meeting the new standards. Nonroad diesel fuel sulfur reductions of more than 99 percent from existing levels will provide significant health benefits as well as facilitate the introduction of high-efficiency catalytic exhaust emission control devices as these devices are damaged by sulfur. These fuel controls will be phased-in starting in mid-2007. This nonroad final rule is largely based on EPA's 2007 highway diesel program.

To better ensure the benefits of the standards are realized in-use and throughout the useful life of these engines, EPA is also adopting new test procedures, including not-to-exceed requirements, and related certification requirements. The rule also includes provisions to facilitate the transition to the new engine and fuel standards and to encourage the early introduction of clean technologies and clean nonroad diesel fuel. EPA has also developed provisions for both the engine and fuel programs designed to address small business considerations.

Examples of potentially regulated entities include manufacturers of nonroad diesel engines, farm machinery and equipment, industrial trucks, construction machinery, mining machinery and equipment, and oil and gas field machinery and equipment. Also included are commercial importers of vehicles and vehicle components, petroleum refiners, diesel fuel marketers and distributors, and diesel fuel carriers.

For further information, contact Ms. Carol Connell, Assessment Standards Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Anne Arbor, MI 48105, telephone: (734) 214-4349, electronic mail: connell.carol@epa.gov.

F. Control of Air Pollution from New Marine Diesel Engines (EPA)

On June 29, 2004, (69 CFR 39275-39289), the U.S. Environmental Protection Agency (EPA) issued an advance notice of proposed rulemaking (40 CFR parts 92 and 94) regarding EPA's

plan to propose new emission standards and other related provisions for new locomotive engines and new marine compression-ignition engines with per cylinder displacement less than 30 liters. EPA is considering standards modeled after its 2007/2010 highway and Tier 4 nonroad diesel engine programs, with an emphasis on achieving large reductions in emissions of particulate matter and air toxics as early as possible through the use of advanced emission control technology starting as early as 2011. This technology, based on high-efficiency catalytic aftertreatment, is enabled by the availability of clean diesel fuel with sulfur content capped at 15 parts per million. This fuel is already being produced in some U.S. markets, and its availability is expected to become widespread in coming years in response to EPA regulations that require it for an increasingly larger portion of the overall diesel fuel pool, starting with highway fuel in 2006. EPA is well aware that migrating advanced control technologies to locomotives and marine diesel engines would bring with it a unique set of challenges. EPA is hopeful that these challenges can be resolved in a collaborative manner as was done in EPA's highway and nonroad diesel rulemakings.

A program like the one under consideration could result in substantial benefits to public health and welfare through significant reductions in emissions of oxides of nitrogen and particulate matter, as well as hydrocarbons and air toxics. These pollutants contribute to health problems that include premature mortality, aggravation of respiratory and cardiovascular disease, aggravation of existing asthma, acute respiratory symptoms, chronic bronchitis, and decreased lung function. EPA believes that diesel exhaust is likely to be carcinogenic to humans by inhalation.

For further information, contact Ms. Carol Connell, National Vehicle and Fuels Emission Laboratory, U.S. Environmental Protection Agency, 2565 Plymouth Road, Anne Arbor, MI 48105, telephone: (734) 214-4349, electronic mail: connell.carol@epa.gov.